IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22398 of 2004

Between:

Thumma Tekula Rani, W/o. Jaipal Reddy,
(Removed) R/o. Mattampally Village and Mandal, Nalgonda

District A.P.

..... PETITIONER

AND

1 The Joint Collector, Nalgonda, Nalgonda.
2 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
3 The Mandal Revenue Officer, Mattampally Mandal, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned Proceedings of the 2nd respondent bearing Procs. No. E2/3208/2003 dt. 11/2004 removing and consequently set aside the same by restoring the authorization of the petitioner herein and to grant such other relief or reliefs.

Counsel for the Petitioner:MR.PALLE NAGESWAR RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a fair price shop dealer of Shop No.1 of Mattampally Village. The 2nd respondent cancelled the authorization of the petitioner on the ground that the 1st respondent passed an order of confiscation of commodities seized from the petitioner. The same is challenged in this writ petition on the ground that no notice was issued before cancellation of the authorization.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

At the outset, this Court takes an exception to the manner in which the 1st respondent has passed the impugned order. It contains only the month and year and does not contain any date. It hardly needs any emphasis that the date of order has its own significance from many angles, such as calculation of the period of limitation for filing of appeal, verification of the genuineness etc. A perusal of the copy of the order served upon the petitioner discloses that it contains the signature of Divisional Administrative Officer and it is said to be an attested copy. In the whole of the order, no date is mentioned. This is a sad reflection on the functioning of the office of the 2nd respondent and it discloses a semblence of irresponsibility or indifference on the whole set of that administration.

Reverting to the facts of the case, the authorization of the petitioner was cancelled on the sole ground that the 1st respondent had passed an order, dated 13.10.2003, in the proceedings initiated against the petitioner under Section 6-A of the Essential Commodities Act and directed confiscation of the value of stock said to have been seized from the petitioner.

Though an order of confiscation passed under Section 6-A of the Act constitutes the

basis for initiation of proceedings for cancellation of authorization, such a step cannot be resorted to except by issuing notice. Clause 5 (4) of the A.P. Public Distribution System Control Order, 2001, clearly mandates that before the authorization of a fair price shop dealer is cancelled, the appointing authority shall issue notice to the dealer. Howsoever acceptable or grave a charge maybe, there does not exist any justification for dispensing with the notice. On this short ground, the writ petition is allowed and the order of cancellation is set aside. It is, however, left open to the 2nd respondent to pass appropriate orders against the petitioner after following the procedure prescribed by law. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 09th December, 2004

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To

1 The Joint Collector, Nalgonda, Nalgonda.
2 The Revenue Divisional Officer, Miryalguda, Nalgonda District.
3 The Mandal Revenue Officer, Mattampally Mandal, Nalgonda District.

4 2CCs to G.P. for Civil Supplies, High Court Buildings,

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